

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed motion to seal portions of the following documents submitted in connection with Defendant's Sixth Motion to Compel Discovery:

1. Defendant's Sixth Motion to Compel Discovery;
 2. Defendant's Memorandum in Support of its Sixth Motion to Compel Discovery;
 3. Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery;
 4. Table of Exhibits in Support of Defendant's Sixth Motion to Compel Discovery;
 5. Exhibits 1-17, 20-33, 35-36, 38-47 to Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery;
- and

6. Plaintiff's Response in Opposition to Defendant's Sixth Motion to Compel Discovery.

Plaintiff seeks to seal these filings on the ground they "contain sensitive business and technical information concerning Syngenta's confidential communications with third parties, and Syngenta's strategies on sales, marketing, generic competition, its patent portfolio, and evaluating potential illegal azoxystrobin products and potential infringement of and enforcement of its intellectual property." (Mot. Seal [DE #233] at 1.) Plaintiff has submitted proposed redacted versions of the documents, indicating the portions it contends should not be available to the public.

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Plaintiff's Motion to Seal [DE #233] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Sixth Motion to Compel Discovery [DE #220]. A redacted version of this filing is available to the public on the court's docket as Exhibit 1 to the Declaration of Jeff Cecil [DE # 234-3];

b. Defendant's Proposed Order regarding Sixth Motion to Compel Discovery [DE #220-1]. A redacted version of this filing is available to the public on the court's docket as Exhibit 2 to the Declaration of Jeff Cecil [DE # 234-4];

c. Defendant's Memorandum in Support of its Sixth Motion to Compel Discovery [DE #221]. A redacted version of this filing is available to the public on the court's docket as Exhibit 3 to the Declaration of Jeff Cecil [DE # 234-5];

d. Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery [DE #222]. A redacted version of this filing is available to the public on the court's docket as Exhibit 4 to the Declaration of Jeff Cecil [DE # 234-6];

e. Table of Exhibits in Support of Defendant's Sixth Motion to Compel Discovery [DE #222-1]. A redacted version of this filing is available to the public on the court's docket as Exhibit 5 to the Declaration of Jeff Cecil [DE # 234-7];

f. Exhibits 1, 2, 3, 4, 5, 6, 7, 12, 16, 17, 20, 21, 28, 29, 30, 31, 32, 33, 35, 36, 39, 43, 44, 47 to Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery [DE ##222-2, 222-3, 222-4, 222-5, 222-6, 222-7, 222-8, 222-13, 222-17, 222-18, 222-21, 222-22, 222-29, 222-30, 222-31, 222-32, 222-33, 222-34, 222-36, 222-37, 222-40, 222-44, 222-45, 222-48]. Redacted versions of these filings are available to the public on the court's docket as Exhibit 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 to the Declaration of Jeff Cecil [DE ##234-8, 234-9, 234-10, 234-11, 234-12, 234-13, 234-14, 234-15, 234-16, 234-17, 234-18, 234-19, 234-20, 234-21, 234-22, 234-23, 234-24, 234-25, 234-26, 234-27, 234-28, 234-29, 234-30, 234-31];

g. Exhibits 8, 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, 26, 27, 38, 40, 41, 42, 46 to Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery [DE ##222-9, 222-10, 222-11, 222-12, 222-14, 222-15, 222-16, 222-23, 222-24, 222-25, 222-26, 222-27, 222-28, 222-39, 222-41, 222-42, 222-43, 222-47]; and

h. Plaintiff's Response in Opposition to Defendant's Sixth Motion to Compel Discovery [DE #232]. A redacted version of this filing is available to the public on the court's docket as Exhibit 30 to the Declaration of Jeff Cecil [DE # 234-32].

2. Exhibits 34 and 37 to Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery [DE ##222-35, 222-38] shall be UNSEALED.


3. The clerk is further directed to UNSEAL the following provisionally sealed documents unless a motion to seal is filed by within seven (7) days of the date this order is entered:

a. Exhibit 18 to Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery [DE ##222-19];

b. Exhibit 19 to Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery [DE ##222-20]; and

c. Exhibit 45 to Declaration of Robert J. Scheffel in Support of Defendant's Sixth Motion to Compel Discovery [DE ##222-46].

This 13th day of September 2021.

A handwritten signature in black ink, reading "Kimberly A. Swank", written over a horizontal line.

KIMBERLY A. SWANK
United States Magistrate Judge